

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ANTHONY D. FORSTER)
)
v.) NO. 3-11-0109
) JUDGE CAMPBELL
DERRICK SCHOFIELD, et al.)

ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 20), Plaintiff's Objections thereto (Docket Nos. 28 and 29), and Plaintiff's Motion for Order to Reverse the Magistrate Judge's Decision to Deny the Appointment of Counsel for Limited Purposes (Docket No. 30), to which no Response has been filed.

Pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b)(3) and Local Rule 72.03(b)(3), the Court has reviewed *de novo* the Report and Recommendation, the Objections, and the file. For the reasons explained herein, the Objections of the Plaintiff are well-taken, and the Report and Recommendation is rejected.

The Magistrate Judge's recommendation that the Plaintiff's request for injunctive relief be denied is based upon Plaintiff's alleged failure to file a memorandum of law as required by the Local Rules and, therefore, failing to address the factors for granting injunctive relief. *See* Docket No. 20, p. 2. Plaintiff *did* file a Memorandum of Law (Docket No. 5) addressing these factors, however, along with a supporting Affidavit (Docket No. 6).

Therefore, Plaintiff's Emergency Application for Preliminary Injunction and Temporary Restraining Order (Docket No. 4) and its supporting documents (Docket Nos. 5 and 6) are returned

to the Magistrate Judge for a Report and Recommendation which shall set forth how Plaintiff does or does not meet the requirements for injunctive relief.

Plaintiff's Motion for Order to Reverse the Magistrate Judge's Decision to Deny the Appointment of Counsel for Limited Purposes (Docket No. 30) is DENIED for the reasons stated in the Magistrate Judge's Order (Docket No. 19).

IT IS SO ORDERED.

Todd Campbell

TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE